

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

RICHARD SELVIS JEFFERSON,

Petitioner,

v.

CIVIL ACTION NO. 5:07-cv-00941

T. R. CRAIG, et al.,

Respondents.

MEMORANDUM OPINION AND ORDER

Before the Court are Petitioner Richard Selvis Jefferson's Motion for Summary Judgment as to Procure Affidavit of Material Fact and Proof of Breached Contract Between the Parties [Docket 16] and twelve Requests for Entry of Default [Dockets 17–28]. By Standing Order entered August 1, 2006, and filed in this action on December 17, 2007, this matter was referred to the Honorable Mary E. Stanley, United States Magistrate Judge, for submission to this Court of proposed findings and recommendations (PF&R) in accordance with 28 U.S.C. § 636(b)(1)(B). On May 5, 2008, the magistrate judge submitted a PF&R recommending that the Court deny the petition and dismiss the action from the Court's docket. Additionally, the magistrate judge recommended that the Court deny the above-named motions. Petitioner timely filed objections on June 18, 2008.

On January 20, 2009, the Court entered a Memorandum Opinion and Order remanding this matter to the Bureau of Prisons with instructions to reconsider Petitioner's request for nunc pro tunc designation. The above-named motions remain pending, however.

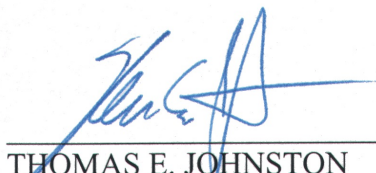
The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). In addition, failure to file timely objections constitutes a waiver of *de novo* review and Petitioner's right to appeal this Court's Order. *Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). Here, Petitioner's objections to the PF&R do not direct the Court's attention to any errors in the magistrate judge's recommendation that the motion for summary judgment and the motions for entry of default be denied.

Accordingly, the Court **ADOPTS** the PF&R [Docket 30] to the extent that it recommends that the Court deny Petitioner's motion for summary judgment and motions for entry of default. The motion for summary judgment [Docket 16] is **DENIED**, and the motions for entry of default [Dockets 17–28] are **DENIED**.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: February 10, 2009



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE